

REMARKS

Claims 1-32 are pending in this application. By this Amendment, claims 30, 31 and 32 are amended. The amendments introduce no new matter. A Request for Continued Examination is attached. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Kaufman in the April 10, 2007 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

The Office Action, in paragraph 4, states claims 1-29 are allowed. Applicants appreciate the allowance of these claims.

The Office Action, in paragraph 2, rejects claim 30 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,823,991 to Skorka. This rejection is respectfully traversed.

Skorka teaches an apparatus with a separate pump piston defining two separate chambers of two pumps (col. 1, lines 55-57). The two pump chambers 22, 23 are shown, for example, in Fig. 3 of Skorka.

Claim 30 recites, among other features, a moving assembly movable relative to the pump body and co-operating therewith to form a single pump chamber of variable volume, the at least one opening allowing the pump chamber to communicate with an inside of the receptacle and allowing the pump to operate in a head down position. Skorka neither teaches nor suggests a single pump chamber, as is positively recited, among other features, in claim 30. Such a single pump chamber is also not addressed in the rejection of claim 30 over Skorka.

Applicants' representatives presented the above arguments in support of the subject matter of claim 30 over Skorka to Examiner Kaufman during the April 10 personal interview. The Examiner indicated that in light of the discussion undertaken during the personal

interview, he would have to revisit his interpretation of Skorka as it applied to the subject matter of the pending claims. Applicants reiterate that Skorka cannot reasonably be considered to teach, or to have suggested, the single pump chamber recited in the pending claims.

For at least this reason, Skorka cannot reasonably be considered to teach, or to have suggested, the combination of all of the features positively recited in claim 30.

Accordingly, reconsideration and withdrawal of the rejection of claim 30 under 35 U.S.C. §102(b) as being anticipated by Skorka are respectfully requested.

The Office Action, in paragraph 4, rejects claims 31 and 32 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,358,149 to O'Neill. This rejection is respectfully traversed.

O'Neill teaches a pressure build-up pump sprayer to be interconnected with a liquid filled container and having a poppet assembly including inner and outer coaxially aligned pressure chambers (Abstract). With reference to, for example, Fig. 1, the Office Action alleges that the valve guide 36 can reasonably be considered to correspond to the skirt positively recited in claim 31. This assertion is incorrect for the following reasons.

Claim 31 recites, among other features, a moving body being movable relative to the receptacle, including a pushbutton and defining with the pump body a pump chamber of variable volume, the moving body including a skirt defining a passage via which substance present in the chamber is delivered toward the dispensing orifice, the skirt co-operating with the spike when the pump is at rest to isolate the inside of the skirt from the pump chamber. In this regard, claim 31 positively recites that the skirt is part of the moving assembly. Guide 36 disclosed in O'Neill is part of the stationary valve housing 20 and thus of the cap 12 (see, *e.g.*, col. 3, lines 16 and 17, and lines 32 and 33). Thus, the guide 36 cannot reasonably be

considered to correspond to the skirt, as positively recited in the pending claim at least because it is not a part of the moving body movable relative to the receptacle.

Additionally, Fig. 1 represents an at rest condition of the disclosed pump sprayer (col. 2, lines 42 and 43). Interpreting Fig. 1 in this manner discloses that when the device is at rest, the inside of the guide 36 is not isolated from the outer chamber 55 by the valve stem 48. Further, substance present in the chamber 55 cannot be delivered toward a dispensing orifice 6 via the guide 36.

Applicants' representatives presented the above argument in support of the allowability of the subject matter of claim 31 to Examiner Kaufman during the April 10 personal interview. The Examiner indicated that he broadly construed the term moving assembly to include any individual bodies or parts that may be movable relative to each other. Based on the Examiner's interpretation, and without conceding the propriety of such an interpretation, Applicants voluntarily amend claim 31, and in like manner claim 32 as will be discussed in further detail below, to recite a moving body being movable relative to the receptacle, to clarify the subject matter of the pending claims over the Examiner's interpretation of the term "a moving assembly." Applicants understand from the discussion undertaken during the April 10 personal interview that such an amendment clarifies the subject matter of the pending claims to an extent that there is no combination of features disclosed in O'Neill that can reasonably be considered to correspond to the combination of all of the features positively recited in claim 31.

For completeness, Applicants also assert that it is not reasonable to interpret the inside of any receptacle taught by the prior art references as a chamber as recited in the claims because the pending claims positively recite a pump for mounting on a receptacle and the chamber being part of the pump rather than of the receptacle.

For at least these reasons, O'Neill cannot reasonably be considered to teach, or to have suggested, the combination of all of the features positively recited in claim 31.

Claim 32 recites, among other features, wherein the moving body comprises a pushbutton and an insert fitted to the pushbutton, the pushbutton and the insert being arranged together to define a passage for delivering substance when the pump is actuated to dispense the substance, the pushbutton comprising two portions, one of which defines the dispenser orifice and is stationary relative to the insert and the other of which is movable relative thereto, the movable portion and the insert having respective surfaces suitable for co-operating to close the passage for delivering the substance when the moving assembly is in its rest position, and for disengaging the passage when the movable portion is moved through a determined distance relative to the stationary portion (see Fig. 1 of Applicant's disclosure). O'Neill does not teach, nor can it reasonably be considered to have suggested, such a combination of features. Specifically, again with reference to Fig. 1, the Office Action alleges that poppet 50 can reasonably be considered to correspond to an insert fitted to the pushbutton. Poppet 50, however, is slidable through a valve body 40. As such, poppet 50 is not fitted to the pushbutton in a stationary manner but rather in a slidable manner. As such, poppet 50 cannot reasonably be considered to correspond to the insert fitted to the pushbutton with all of the features positively recited in claim 32.

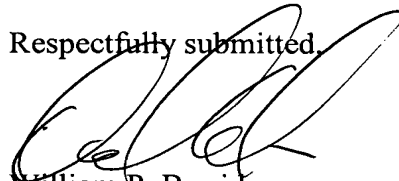
For at least these reasons, in addition to those set forth above in support of the allowability of claim 31 over O'Neill, O'Neill cannot reasonably be considered to teach, or to have suggested, the combination of all of the features positively recited in claim 32.

Accordingly, reconsideration and withdrawal of the rejection of claims 31 and 32 under 35 U.S.C. §102(b) as being anticipated by O'Neill are respectfully requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 30-32, in addition to the allowance of claims 1-29, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Petition for Two-Month Extension of Time
Request for Continued Examination

WPB:DAT/cfr

Date: May 25, 2007

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